

## REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1-4 have been amended. New claim 5 has been added. Claims 1-5 are pending and under consideration.

Claims 1-4 have been amended only to overcome the rejections under 35 USC § 112 and to improve the form thereof, and not in an attempt to distinguish over the cited prior art.

### I. Rejection under 35 U.S.C. § 112

In the Office Action, at page 2, claims 1-4 were rejected under the second paragraph of 35 USC § 112 as being indefinite. Claims 1-4 have been amended in response to these rejections. Accordingly, withdrawal of these § 112 rejections is respectfully requested.

### II. Rejection under 35 U.S.C. § 102

In the Office Action, at pages 2-3, claims 1-4 were rejected under 35 USC § 102(b) as being anticipated by either one of JP 2001347172 A (JP 172) or U.S. Patent No. 7,013,290 (Houri et al.).

Neither JP 172 nor Houri et al. discuss or suggest:

a distribution gutter configured to receive hulled rice falling from said hulling section and in which a plurality of hulled rice falling-through holes are formed;

a screw that is disposed inside said distribution gutter and conveys hulled rice having flowed into the distribution gutter in the lengthwise direction of the distribution gutter; and

a falling rice control plate configured to block and open at least some of said hulled rice falling-through holes formed in said distribution gutter,

as recited in claim 1. In other words, the invention of claim 1 is a distribution device that is part of a huller apparatus. The distribution device includes a distribution gutter that includes a plurality of through holes for passing hulled rice, a screw that is disposed in the distribution gutter to convey the hulled rice toward the lengthwise ends of the distribution gutter, and a control plate that is configured to either block or open (unblock) at least some of the plurality of through holes formed in the distribution gutter. In this manner, the distribution device of claim 1 can provide a greater number of through holes for falling rice by placing the falling rice control plate in the open position, thereby making it easier to process long-grain rice, which has a more

difficult time fitting through the holes due to its length. On the other hand, the distribution device of claim 1 can provide a fewer number of through holes for falling rice by placing the falling rice control plate in the blocked position, thereby making it easier to process short-grain or medium-grain rice, which each have a less difficult time fitting through the holes.

Both JP 172 and Houri et al. are directed toward the roller portion of a husking/hulling apparatus. Neither of these references discloses a distribution device having a structure similar to the invention of claim 1. The Examiner states that claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. However, the Examiner has indicated that both JP 172 and Houri et al. anticipate claim 1 without pointing out any specific portions of these references that teach the structural features of claim 1. It is respectfully submitted that neither JP 172 nor Houri et al. disclose the structural features of a distribution gutter with a plurality of through holes, a screw that is disposed in the distribution gutter, and a falling rice control plate that is configured to either block or open (unblock) at least some of the plurality of through holes formed in the distribution gutter. Thus, it is submitted that claim 1 patentably distinguishes over both JP 172 and Houri et al. Accordingly, withdrawal of the § 102 rejection is respectfully requested.

Claims 2-4 depend either directly or indirectly from claim 1, and include all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 2-4 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 102 rejections is respectfully requested.

### **III. New Claim**

New independent claim 5 has been added. None of the cited prior art discusses or suggests:

a distribution gutter configured to receive hulled rice from the hulling section into a middle portion along a length of the distribution gutter, the distribution gutter including a plurality of through holes formed therein for passing the hulled rice to the wind sorting section;

a screw that is disposed inside the distribution gutter and that is configured to convey the hulled rice received in the distribution gutter along the entire length of the distribution gutter; and

a falling rice control plate configured to block and unblock at least a portion of the through holes formed in the distribution gutter

as recited in claim 5. Thus, it is submitted that claim 5 is in a condition suitable for allowance.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

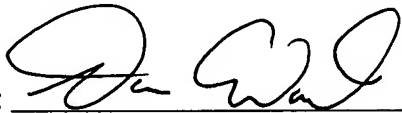
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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